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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/656,815 | 09/07/2000 | Alan F. Rodriguez JR. | B-68149(014354/0004 | 1848 |
| 20594 | 7590 | 03/25/2004 | EXAMINER | |
| CHRISTOPHER J. ROURK AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. P O BOX 688 DALLAS, TX 75313-0688 | | | SHIH, SALLY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3624 | |

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/656,815 | RODRIQUEZ ET AL. |
| | Examiner Sally Shih | Art Unit 3624 |

... The MAILING DATE of this communication appears on the cover sheet with the correspondence address.
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 9-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 9-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s). 11

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

1. This communication is response to Applicant's telephone interview dated October 28, 2003. The rejections are as stated below:

Status of Claims

2. Of the original claims 1-21, claims 1-8 have been cancelled, claims 10-17 and 20 have been amended, claims 22-28 have been added. Therefore, claims 10-28 are under prosecution in this application.
3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Summary of this Office Action

4. Applicant's arguments with respect to claims 10-28 have been considered but are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 9-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kolls (United States Patent Number 6,601,040 B1).

Claim 9: an apparatus for transmitting credit transaction data over a communications medium comprising:

a protocol translator receiving the credit transaction data from one or more point of sale systems according to a transmission protocol (figs. 4,5, 20, 22, 23, 28 and associated text); and an encryption system coupled to the protocol translator, the encryption system receiving the credit transaction data from the protocol translator and encrypting the credit transaction data (figs. 4, 5, 9, 20, 22, 23, 28 and associated text).

Claim 10: The apparatus of claim 9 further comprising a device router coupled to the protocol translator, the device router transmitting authorization data response to the credit transaction data and the authorization data (figs. 4, 5, 20, 22, 23, 28 and associated text).

Claim 11: the apparatus of claim 9 further comprising a management system interface coupled to the protocol translator, the management system storing a protocol module to the protocol system (figs. 4,5, 20, 22, 23, 28 and associated text).

Claim 12: the apparatus of claim 9 further comprising a management system interface coupled to the encryption system, the management system storing an encryption module to the encryption system (figs. 4, 5, 9, 20, 22, 23, 28 and associated text).

Claims 13 and 22: a method and corresponding system for transmitting credit transaction data over a communications medium comprising:

receiving credit transaction data from two or more point of sale devices, each reading credit card data from a magnetic stripe of a credit card (figs. 9-11, 13, 26 and associated text);

determining a point-of-sale device data transmission protocol to use to assemble the credit card transaction data into an authorization request (figs. 9-11, 11, 13, 26 and associated text);

encrypting the authorization request (figs. 9-11, 11, 13, 26 and associated text);

transmitting the encrypted authorization request over the communications medium (figs. 10, 11, 13, 26 and associated text);

decrypting the encrypted authorization request (figs. 9-11, 13, 26 and associated text); determining which of two or more authorization systems is the appropriate authorization system to provide the authorization request to (figs. 9-11, 11, 13, 26 and associated text); and

transmitting the authorization request to the appropriate authorization system (figs. 9-11, 13, 26 and associated text).

Claim 14: the method of claim 13 wherein receiving the credit transaction data from the point of sale device comprises receiving the credit transaction data in accordance with one or more of an ISO 8583 protocol or a Visa-K protocol (figs. 9A-9B and associated text).

Claim 15: the method of claim 13 wherein encrypting the authorization request comprises encrypting the credit transaction data using an encryption module received from a hub manager (figs. 9A-9B, 26 and associated text).

Claim 16: the method of claim 13 wherein transmitting the encrypted authorization request over the communications medium comprises transmitting the encrypted data in an HTTP format (figs. 9A-9B, 26 and associated text).

Claim 17: a method for controlling the transmission of credit transaction comprising:
transmitting one or more control messages to a remote hub (figs. 3, 14, 18 and associated text);
processing the control message at the remote hub (figs. 3, 14, 18 and associated text);
and
performing a control function on one of two or more point of sale devices that read credit card data from a magnetic stripe of a credit card at the remote hub in response to the control message (figs. 3, 9, 14, 18, 26 and associated text).

Claim 18: The method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises transmitting status data for the remote hub (figs. 3, 14, 18 and associated text).

Claim 19: The method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises transmitting status data for one or more point of sale devices connected to the remote hub (figs. 3, 14, 18 and associated text).

Claim 20: the method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises updating the remote hub with a protocol module to accommodate a new point of sale device (figs. 3, 14, 18 and associated text).

Claim 21: the method of claim 17 wherein performing the control function at the remote hub in response to the control message comprises updating the remote hub with an encryption module (figs. 3, 14, 18 and associated text).

Claim 23: the system of claim 22 further comprising:
a first authorization system coupled to the gateway system (fig. 5, 9 and associated text);
a second authorization system coupled to the gateway system (fig. 5, 9 and associated text); and
wherein the gateway system transmits the credit transaction data to the first or second authorization system based upon the translated credit transaction data (fig. 5, 9 and associated text).

Claim 24. the system of claim 22 wherein the remote hub system further comprises a protocol translator receiving the credit transaction data from each of the one or more point of sale

systems according to the proprietary data format associated with each point of sale system (figs. 1, 9A-9B and associated text).

Claim 25. the system of claim 22 wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on the remote hub system (figs. 1, 9A-9B and associated text).

Claim 26. the system of claim 22 wherein the remote hub system further comprises an update system receiving an encryption update and installing the encryption update on one or more of the point-of-sale systems (figs. 1, 9A-9B and associated text).

Claim 27. the system of claim 22 wherein the point-of-sale systems include one or more pre-existing point of sale systems that are configured to communicate using a public switched telephone network telephone line (fig. 26 and associated text).

Claim 28. the system of claim 27 further comprising a telephone backup system coupled to one or more of the point of sale systems and the hub, wherein the hub uses the telephone backup system when the communications medium is unavailable (fig. 26 and associated text).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,640,214 B1 and USPN 6,640,214 B1 are cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys



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